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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,241	10/30/2000	David Ian Houlding	92717-294USPT	9443

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2121	4

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/702,241	Applicant(s) HOULDING ET AL.	
	Examiner Aaron Perez-Daple	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application filed 10/30/00, which has been fully considered.

2. Claims 1-6 are presented for examination.

3. This Action is non-Final.

Claim Objections

4. **Claim 3** is objected to because of the following informalities: line 2 recites "presented" where it should recite --presenting--. Appropriate correction is required.

5. **Claim 4** is objected to because of the following informalities: line 2 recites "presented" where it should recite --presenting--. Appropriate correction is required.

6. **Claim 5** is objected to because of the following informalities: line 4 ends in a period where it should end in a semi-colon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. As for claim 1, the term "the application" in line 6 lacks proper antecedent basis.

The term "the look" in line 6 of claim 1 lacks proper antecedent basis.

The term "the feel" in line 7 of claim 1 lacks proper antecedent basis. Furthermore, the term "the feel" is a relative term which renders the claim indefinite. The term "the feel" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner interprets that Applicant uses the term "the feel" in the colloquial sense of a "look-and-feel" to refer to customizing the graphical user interface (GUI) of the application. For the purpose of applying prior art, the Examiner finds that any teaching of customizing a GUI meets the limitation of the claim.

The limitation of lines 8-10 which recites, "receiving requests from the event service implementation...service implementation," renders the claim indefinite. Specifically, it is not clear how the requests are both received from and delegated to the event service implementation. The limitation appears to recite that the event service implementation generates requests, sends the requests to itself, and then delegates the requests to itself, which clearly does not make sense. The Examiner was unable to find clarification for this limitation in the specification. For the purpose of applying prior art, the Examiner finds that any teaching of a software or hardware system for receiving or generating requests and delegating those requests meets the limitation of the claim.

The limitation of lines 11-13 which recites, "receiving events from the modeled architecture...callbacks on the modeled architecture," renders the claim indefinite. First, it is not apparent how the modeled architecture is capable of sending/generating events. Based on the preceding recitation of "a modeled architecture" in lines 4 and 5, the Examiner interprets that "a modeled architecture" merely refers to a desired architecture for the system which

may be represented as a model. It is not clear and seems to contrary to any reasonable interpretation of the term that a "modeled architecture" would comprise software or hardware for generating events. Furthermore, it is not clear how these events could then be forwarded to the modeled architecture, for the same reasons. Even assuming that Applicant intends to claim a software module capable of generating and forwarding events, it is not clear how or why these events would be generated by the software module and then forwarded to itself in the form of "callbacks." For the purpose of applying prior art, very little patentable weight will be given to this limitation of the claim.

10. As for claim 3, the term "auto-cycle mode" renders the claim indefinite. The term "auto-cycle mode" is not defined by the claim nor the specification, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of applying prior art, the Examiner interprets that any system capable of presenting data related to the behavior of a system without continuous user intervention meets the limitations of the claim.

11. As dependent claims, claims 2-5 suffer from the same deficiencies as claim 1.

12. As for claim 6, the term "the modeled architecture" in line 6 lacks proper antecedent basis.

The term "the look" in line 7 of claim 6 lacks proper antecedent basis.

The term "the feel" in line 8 claim 6 is a relative term which renders the claim indefinite. The term "the feel" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Furthermore, the term "the feel" lacks

proper antecedent basis. The Examiner interprets that Applicant uses the term "the feel" in the colloquial sense of a "look-and-feel" to refer to customizing the graphical user interface (GUI) of the application. For the purpose of applying prior art, the Examiner finds that any teaching of customizing a GUI meets the limitation of the claim.

The phrase, "a model for receiving...the modeled architecture," in lines 5-6 renders the claim indefinite. Specifically, it is not clear how "a model" is in itself capable of "receiving" anything. It appears that Applicant may intend to claim a software module for modeling an architecture. For the purpose of applying prior art, the Examiner interprets that any teaching of a software module which receives information for modeling an architecture meets the limitation of the claim.

The phrase, "a view for determining the look of an application," in line 7 renders the claim indefinite. Specifically, it is not clear how "a view" is capable of "determining" anything. It appears that Applicant may intend to claim a software module for determining a view. However, for the purpose of applying prior art, the Examiner finds that any teaching of a view is sufficient to meet the limitation of the claim.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. **Claims 1-5** are rejected under 35 U.S.C. 102(e) as being anticipated by Caswell et al. (US 6,336,138 B1) (hereinafter Caswell).

15. As for claim 1, Caswell discloses a method for visualizing any architecture during conceptual, development or deployment phases of a system, said method comprising the steps of:

receiving information regarding a modeled architecture (col. 3, lines 34-48, "A method and system...computing environment.");

determining the look of the application (col. 4, lines 32-46, "The system for modeling...service model instance.");

determining the feel of the application (col. 4, lines 32-46, "The system for modeling...service model instance.");

receiving requests from the event service implementation and delegating these requests to the event service implementation (Fig. 3; col. 8, line 63 - col. 10, line 18, "Fig. 3 represents...Task Force).");

receiving events from the modeled architecture and forwarding these events in the form of callbacks on the modeled architecture (Fig. 10; col. 27, lines 19-52, "Fig. 10 is a...in step 143.");

reading configuration information during initialization at application startup (col. 4, lines 43-46, "The view generator is...model instance."; col. 8, lines 43-60, "A measurement agent...the service model."); and

presenting the associated behavior of the system (col. 4, lines 32-46, "The system for modeling...service model instance.").

16. As for claim 2, Caswell discloses the method of claim 1, wherein, in said step of presenting, said architecture is presented in simulation mode (The software model of the system is considered to inherently comprise a "simulation" and therefore a "simulation mode."; col. 4, lines 4-6, "While not critical...Provider (ISP).").

17. As for claim 3, Caswell discloses the method of claim 1, wherein, in said step of presented, said architecture is presented in auto-cycle mode (col. 3, lines 49-58, "The discovered instance...information are stored.").

18. As for claim 4, Caswell discloses the method of claim 1, wherein, in said step of presented, a deployed implementation of the architecture is presented (col. 4, lines 32-46, "The system for modeling...service model instance.").

19. As for claim 5, Caswell discloses the method of claim 1, wherein said configuration information further comprises:

abstract information in the form of tiers, components, communication paths and events (col. 7, line 6-col. 8, line 42, "The service model instance...provided to the user.");

presentation information in the form of how many display views are required to present the architecture, and how to respond visually when events are received (col. 7, line 6-col. 8, line 42, "The service model instance...provided to the user.");

controller information that may specify details that determine how the particular controller implementation behaves (col. 8, lines 31-42, "The view generator...to the user."); and

integration information that may be used by the particular implementation of an event service delivery agent (col. 3, lines 34-48, "A method and system...computing environment."; col. 4, lines 32-46, "The system for modeling...service model instance.").

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious over Caswell in view of Sluiman (US 6,643,668 B2) (hereinafter Sluiman).

22. As for claim 6, Caswell discloses an architecture visualization system for visualizing any architecture during conceptual, development or deployment phases of a system, said architecture visualization system further comprising:

a model for receiving information regarding the modeled architecture (service model creation engine 38, Fig. 2; col. 3, lines 34-48, "A method and system...computing environment.");

a view for determining the look of an application (col. 4, lines 32-46, "The system for modeling...service model instance.");

a controller for effectively determining the feel of the application (view generator 42, Fig. 2; col. 4, lines 32-46, "The system for modeling...service model instance.");

an event service delivery agent for receiving and delegating requests (Fig. 3; col. 8, line 63 - col. 10, line 18, "Fig. 3 represents...Task Force)."); and

a configuration (service model templates 34, Fig. 2; col. 4, lines 43-46, "The view generator is...model instance.").

Caswell does not explicitly teach that the configuration may be specified in XML. Sluiman teaches specifying configuration information in XML for the purpose of processing data from different sources and minimizing platform dependencies (col. 1, lines 12-29, "In recent years...minimized or eliminated."). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Caswell by specifying the configuration in XML for the purpose of processing data from different sources and minimizing platform dependencies, as taught by Sluiman.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,496,202 B1, note ability to create custom views for simulation and control; US 6,714,217 B2, note method for providing GUI for network development, managing and monitoring; US 6,704,030 B1, note creation of interactive GUI; US 6,697,087 B1, note Fig. 2; US 6,550,054 B1, note XML for model generation; US 5,913,052, note architectural display; US 6,429,860 B1, note software visualization tool; US 6,144,962, note visual web site analysis program; US 6,678,882 B1, note collaboration model for network; US 6,275,225 B1, note GUI creation for network applications; US 6,434,598 B1, note GUI used in client-server architecture.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Perez-Daple whose telephone number is 703-305-4897. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/7/04

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